

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
NWC Walnut and Birch Avenues
1830 Walnut Avenue
12th Election District
7th Councilmanic District
Alvia David Carrier, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-4-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.3 Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing accessory structure (detached garage) with a proposed 20 ft. height in lieu of the permitted 15 ft. height, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 1830 Walnut Avenue, zoned D.R. 5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to allow an accessory structure (detached garage) to be located in the rear yard.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of August, 1990 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.3 Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing accessory structure (detached garage) with a proposed 20 ft. height in lieu of the permitted 15 ft. height, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. The Petitioners shall not allow the accessory structure to be used or occupied for any commercial activity.

4. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

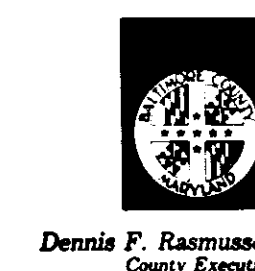
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

August 21, 1990



Mr. and Mrs. A. David Carrier
1830 Walnut Avenue
Baltimore, Maryland 21222

RE: Petition for Residential Zoning Variance
Case No. 91-4-A

Dear Mr. and Mrs. Carrier:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE 464

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.3 -- To allow an existing accessory structure (detached garage) with a proposed 20 ft. height in lieu of the permitted 15 ft. height.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Reason: Barn type Roof for personal storage at walking height

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Alvia David Carrier
(Type or Print Name)
Signature: Alvia David Carrier
Barbara Ann Carrier
(Type or Print Name)
Signature: Barbara Ann Carrier

Address:
1830 Walnut Ave
Baltimore Maryland 21222
City/State/Zip Code

City/State/Zip Code

City/State/Zip Code

City/State/Zip Code

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AFFIDAVIT 91-4-A

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently or upon settlement will reside at 1830 Walnut Ave. Baltimore Maryland 21222 (Address)

That based upon personal knowledge, the following are the facts upon which I/we have the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

Need walking space for upstairs storage with barn type roof

Instead of 15' Peak, or less On Peak of roof,

Owner needs 20' Peak OR LESS

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Alvia David Carrier
AFFIANT (Handwritten Signature)
Alvia David Carrier
AFFIANT (Printed Name)

Barbara Ann Carrier
AFFIANT (Handwritten Signature)
Barbara Ann Carrier
AFFIANT (Printed Name)

AFFIANT (Printed Name)

AFFIANT (Printed Name)

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AFFIANT (Printed Name)

AFFIANT (Printed Name)

AFFIANT (Printed Name)

AFFIANT (Printed Name)

AFFIANT (Printed Name)

91-4-A #464
Zoning Description
Beginning at a point on the West side of Walnut Ave. at the North Corner of Birch Ave. Being lot No. 23 in the Subdivision of Holabird Park as recorded in Baltimore County Plat Book No. 12 folio 35 containing 1.985 Ac. ±. Also known as 1830 Walnut Ave. in the 12th Election District.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Townson, Maryland 21204

receipt

Account: R-001-6150
Number

No 2046
2891

Date 6-29-90
A.D. Carrier
1830 Walnut Ave.
21222
NWC Walnut & Birch Aves.
Residential Admin. Variance, Zoning
Petition - \$35.00
Sign - 25.00
TOTAL \$ 60.00

Please make checks payable to Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Townson, Maryland 21204

receipt

Account: R-001-6150
Number

No 2871
2046

Date 6/29/90
PUBLIC HEARING FEES
010 - ZONING VARIANCE (IRL) X \$35.00
080 - POSTING SIGNS / ADVERTISING X \$25.00
LAST NAME OF OWNER: CARRIER
PRICE \$60.00

Please make checks payable to Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

91-4-A

District 12th
Posted for: Variance
Petitioner: Alvia David Carrier
Location of property: NWC Walnut & Birch Aves.
Location of Sign: 1830 Walnut Ave.
Remarks: Residential Admin. Variance, Zoning
Posted by: [Signature]
Number of Signs: 1
Date of return: 7/14/90

ITEM #464
91-4-A

ALVIA DAVID & BARBARA ANN CARRIER
1830 WALNUT AVENUE 21222

When this Residential Variance was taken in on 6-29-90, the section part was not filled in nor was there a hand-written paper for the section to be typed in. Therefore, this item could not appear on the agenda for 7-17-90.

The date that the petition was accepted for filing should be changed to reflect the date that the petition is completed. Also, the posting date should be changed to reflect this new acceptance date.

This petition was accepted originally on 6-29-90 by John Sullivan.

Sepia
7-2-90

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 10, 1990

Mr. & Mrs. A. David Carrier
1830 Walnut Avenue
Baltimore, Maryland 21222

Re: CASE NUMBER: 91-4-A
ITEM NUMBER: 464
LOCATION: 1830 Walnut Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a referee regarding the administrative process.

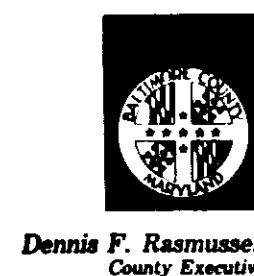
1) Your property will be posted on or before July 25, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is August 9, 1990. Should such request be filed, you will receive notification that the matter will be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

[Signature]
D. G. Stephens
(301) 887-3391



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 30, 1990

Mr. & Mrs. Alvia David Carrier
1830 Walnut Avenue
Baltimore, MD 21222

RE: Item No. 464, Case No. 91-4-A
Petitioner: Alvia David Carrier, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Carrier:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this 29th day of June, 1990.

ROBERT HAINES
ZONING COMMISSIONER

Received By:

[Signature]
Chairman,
Zoning Plans Advisory Committee

Petitioner: Alvia David Carrier, et ux

Petitioner's Attorney:



Dennis F. Rasmussen
County Executive

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

July 30, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ALVIA DAVID CARRIER

Location: #1830 WALNUT AVENUE

Item No.: 464 Zoning Agenda: JULY 24, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* 7-3-90 Noted and Approved: *[Signature]* 7-3-90
Planning Group Captain J.F. Boudin
Special Inspection Division Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
JULY 20, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM #: #464
PROPERTY OWNER: Alvia David Carrier, et ux
LOCATION: NWC Walnut & Birch Avenues (#1830 Walnut Ave.)
ELECTION DISTRICT: 12th
COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- (X) OTHER - No openings permitted within 3'-0" of an interior lot line (North wall) (906.3) North wall must have (1) hour rating for exposure to fire from both sides (906.2)

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

JUL 24 1990

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: July 24, 1990
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Alvia David Carrier, Item No. 464

The Petitioner requests a Variance to allow an accessory structure of 20 ft. in lieu of 15 ft.

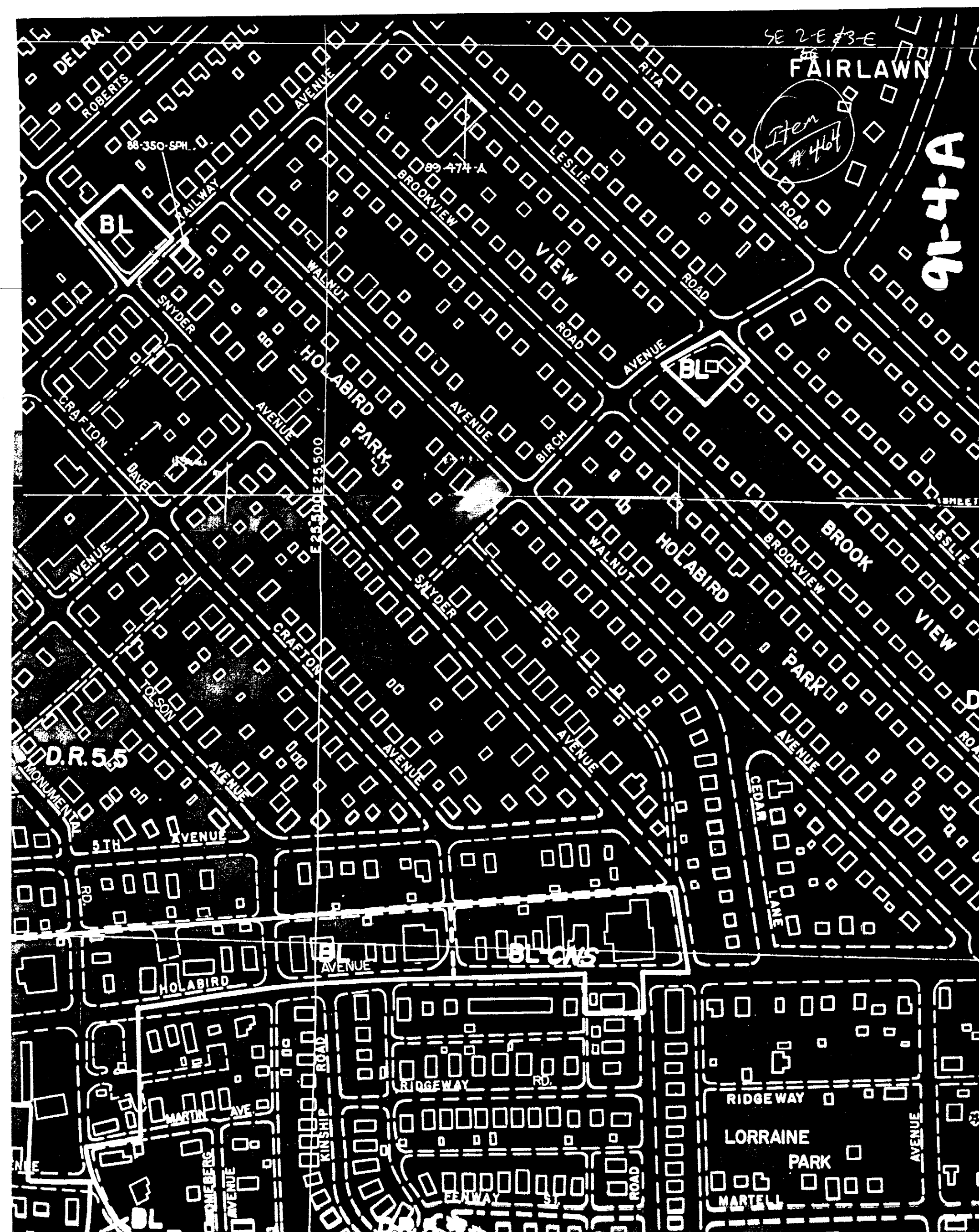
This office has no objection to the requested variances. However, a restriction should be placed in the Order prohibiting any living quarters, kitchen or bathroom facilities in the garage, limiting storage to that of the personal property of the occupants at the principal dwelling.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM464/ZAC1

AUG 2 1990



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1930 Walnut Ave see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Walnut Park
 plat book# D-38, folio# 1, lot# 23, section# 1

OWNER: ALVIN D. COOPER

Petitioner's Exhibit 1

91-4-A

North
 date: 6-25-00
 prepared by: _____

Scale of Drawing: 1" = 20'

LOCATION INFORMATION

Councilmanic District: 7
 Election District: 12
 1"=200' scale map#: SE, 2 & 3 E
 Zoning: DR-5.5
 Lot size: 1985 3550.4
 acres square feet

SEWER: ☒ public ☐ private
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☐ yes ☒ no
 Prior Zoning Hearings: None

Zoning Office USE ONLY!
 reviewed by: _____ ITEM #: _____ CASE#: _____
AS 464